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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,202	07/22/2003	Kian Khalooghi	158511-0003	1802

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EXAMINER

ALPERT, JAMES M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,202	Applicant(s) KHALOOGHLI ET AL.	
	Examiner James Alpert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EA

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DETAILED ACTION

The following communication is in response to Applicant's amendment filed on July 27, 2005.

Status of Claims

Claims 2-7 & 9-13 are original. Claims 1 & 8 are currently amended. Claims 14-18 are new. No claims are cancelled, so Claims 1-18 are currently pending.

Response to Arguments

Applicant's argument with regard to 35 U.S.C. §101 have been considered, and are persuasive, particularly in light of Ex parte Lundgren, Appeal No. 2003-2088 before the Board of Interferences and Appeals. The rejections are hereby withdrawn.

With regard to the rejections under 35 U.S.C. §103, Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive as discussed below. Therefore, Claims 1-13 remain rejected, while Claims 14-18 are newly rejected. Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

The text of 35 U.S.C. §103 which is not included in this action, can be found in a prior Office action.

With regard to Claims 1,8,14-15 Sinnot teaches the method, system, and apparatus:

uploading current debt payoff information to a database on a server computer system from computer systems of a plurality of lending institutions, (Page 4, Paras. 58 and 65)

said database including a plurality of records for each of said plurality of lending institutions, (Page 8, Para. 114, describing that a requestor put the creditor name and

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loan account identifier, indicating that for each creditor there will be several different accounts)

wherein said plurality of records includes borrower identification and debt payoff information for a respective plurality of borrowers; (Page 3, Para. 38; Page 5, Para. 72)

With regard to the following limitation:

updating said current debt payoff information periodically,

the examiner treats this limitation as an inherent property of an accounting database system as claimed by applicant. As payments are made on a debt account, records are updated to reflect decreasing balances as they occur.

Continuing the analysis, Sinnot teaches the system and method comprising:

accessing a portion of said current debt payoff information from said database
(Page 5, Paras. 74-76)

said portion of said current vehicle debt payoff information including said borrower identification and current loan amount. (Page 5, Paras. 74-76)

Sinnot does not expressly disclose that its method and system of delivering loan payoff information is expressly designed for vehicle information for use by a vehicle dealership. However, retrieving credit information on by a "vehicle dealership" is old and well known in the art, and is disclosed by Vagim at (Page 1, Para. 10), describing retrieving a credit report in relation to an automobile loan). It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Sinnot related to retrieving debt payoff information with the teachings of Vagim, relating to retrieving vehicle debt information for vehicle dealerships. The motivations for such a combination is found in Vagim at (Page 1, Para. 6) which emphasizes the importance of streamlining vehicle loan approvals.

Applicant argues that Sinnot does not provide "current and up to date loan information." The examiner disagrees. At the time of the request for information by a borrower, the system will initiate a response. At the time of the response, the information is current. The claims in the instant application do not indicate that the response be instantaneous, but just that the information be current. Under the same line of reasoning, Applicant's argument that the processor of Sinnot requires some expiration of time before the information reaches the borrower is not persuasive. While it may be that the Applicant intends that the information reach the user more or less instantaneously, that distinction is not made in the claims.

Applicant further argues that periodic updating is not inherent to an accounting database, in that this feature would not be recognizable to a person of ordinary skill in the art. The examiner disagrees. It is clearly well known that any financial product requiring periodic (monthly, weekly, etc) payments is necessarily updated upon the expiration of the periodic interval. Specifically, wouldn't it be obvious that after a monthly payment is made, the balance after the payment will be less than before the payment? Further, is it not reasonable to assume that the outstanding balance would be periodically decreased as payments are continuously made? Thus any accounting system, including those revealing loan payoff information, will necessarily provide an updating feature. As currently claimed, the examiner is satisfied that this limitation is in fact, inherent to the system.

Finally, applicant argues that Sinnot acknowledges that there is no automatic updating of the central controller, thus making updating debt information not inherent.

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The examiner poses the question as to the materiality of this observation. The instant application does not indicate ANY updating on an automatic basis. Further, even if this were the case, in either situation, the user still must access the system and REQUEST information. Under the present application, logging onto the system is in itself a form of requesting, followed by an indication that update information is sought. Whether the information is centrally stored or remotely stored is not a distinction of patentable weight. Consequently, the rejections of Claims 1-13 are maintained as detailed below.

With regard to Claims 2,9, Sinnot teaches a system and method comprising:

accessing the portion of said current vehicle debt payoff information by accessing said database over an Internet connection. (Page 7, Para. 107)

With regard to Claims 3,10, Sinnot teaches a system and method comprising:

accessing the portion of said current vehicle debt payoff information by accessing said database over a telephone line connection. (Page 4, Para. 66)

With regard to Claims 4,11, Sinnot teaches a system and method comprising:

authenticating one or more of said plurality of lending institutions as being authorized lending institutions. (Page 6, Para. 95, describing unique ID's used for verification)

With regard to Claims 5,12, Sinnot does not teach a system and method where:

debt payoff information is used by the vehicle dealership in the preparation of a vehicle contract involving one of said plurality of borrowers.

However, Vagim does teach this limitation at (Page 1, Para. 10). It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Sinnot related to retrieving debt payoff information with the teachings of Vagim, relating to retrieving vehicle debt information and other credit information for purposes of financing a vehicle or vehicle dealerships. The

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motivations for such a combination is found in Vagim at (Page 1, Para. 6) which emphasizes the importance of streamlining vehicle loan approvals.

With regard to Claim 6, which claims a method comprising:

updating said current vehicle debt payoff information periodically where the periodic update of one lending institution is different from the periodic update of other lending institutions,

the examiner treats this limitation as an inherent property in an accounting database system as claimed by applicant. Each institution operates its accounting systems independently, and the timing of payments can vary from loan to loan. Records are updated to reflect decreasing balances. Since the institutions are independent of each other, these updates would naturally be reported at different times.

With regard to Claims 7,13, which claim a system and method comprising:

updating said current vehicle debt payoff information by said plurality of lending institutions at different periodic intervals,

the examiner treats this limitation as an inherent property of an accounting database system as claimed by applicant. Each institution operates its accounting systems independently, and the terms of payment, including the rate at which payments must be submitted, can vary from loan to loan. Records are updated to reflect decreasing balances as they occur. Since the institutions are independent of each other, these updates would naturally be reported in different intervals of time.

With regard to Claim 16, Sinnot teaches the apparatus comprising:

providing access to said current debt payoff information over a network in response to a request. (Page 4, Para. 64)

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With regard to Claim 17, Sinnot teaches the apparatus comprising:

providing access to said current debt payoff information over an automated telephone system in response to said request. (Page 4, Para. 64)

With regard to Claim 18 Sinnot does not expressly teach the apparatus wherein:

memory comprises one or more of a random access memory, hard disk, and flash memory.

However, these limitations carry no patentable weight, as the technologies are old and well-known in the art. As such it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to modify the teachings of Sinnot to include newer memory technologies. The motivation is simply to implement the method in a faster manner than previously known.

Conclusion


THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is

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(571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.


James M. Alpert
October 12, 2005

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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